Research Proposal of the Thesis Entitled

LEGAL REFORMS TO THE INDIAN- PAKISTAN TREATY: ADDRESSING CHALLENGES AND ENHANCING WATER GOVERNANCE

In Partial Fulfilment of the Requirements

for the Degree of

Doctor of Philosophy (LAW)

Submitted by

Mohit Satish Kumar Raninga
(Enrolment No.202203008)

Under the guidance of

Dr. Kratika Gupta

In the

Unitedworld School of Law

Karnavati University, Gandhinagar

INDEX

Sr No.	Particulars
1	Introduction
2	Significance of the Study
3	Literature Reviews
4	Objective
5	Hypothesis
6	Research Questions
7	Research Methodology
8	Limitation of Research
9	Schemes of the Chapters
10	References

1. Introduction

In the course of the most recent decades, there has been a developing theory about the probability of an intense clash or even war over freshwater assets. Researchers progressively bring up that the 21st century may see a fight fought because of water shortage. Surely, water is the main asset having no substitute, and the interest in it is consistent and consuming. All types of Earth's life, including people, require water to survive. Since freshwater makes up less than 3% of all water resources on Earth, our possession of the "planet of water" has little effect.

Its circulation is uneven, with a few countries enduring serious dry spells each year and the others favoured with water wealth.

Therefore, it should come as no surprise that throughout human history, variations in the distribution and availability of water have caused tension between many governments, with particular claims made about the limits of their waterways by trains. Furthermore, despite the historical evidence showing that large-scale conflicts over water have never been fought and have shown to be neither strategically sound nor hydrographically strong, water continues to be a major topic of intense global discussion (Wolf, 1998). Concerns about the connection between at least two countries across rivers become more intense when a border is "internationalized" through political change. These universal bowl streams account for over 60% of global stream flow, span 45.3% of the geographical area, and impact around 40% of the world's population.

The reality of universal interactions is conflict. Its reasons range from contentious political attributes to disputed areas about basic assets. Existence may encourage the creation of menacing fictional characters that sabotage conflict behaviour; conflict behaviour may become equipped and, as a result, social interactions may get mobilised. Wars start in these kinds of circumstances. It is possible to pinpoint some elements of the Indo-Pakistan conflict that align with the two schools of thinking. This study examines their competing interests in the irredentist area of Kashmir and argues that the dispute over Kashmir is not only ideological but also broadly related to the ownership of the Indus water resource.[1]

Treaty

Currently, the most significant source of international law is universal settlements. The Universal Court of Equity's resolution states in Article 38(1)(a) that while determining a matter, the court shall consider worldwide norms, whether general or specific. It will also strengthen many sources of international law by building upon concepts that the opposing governments have explicitly acknowledged. Settlements currently have a significant role in international law as a result.[2]

Agreements that establish a relationship between two or more nations or between several issues of international law. These understandings are occasionally mentioned about custom, tradition, agreement, and other things.

As a result, there is a growing trend to transform international standard law into customary law, as the consent obtained before is just recommended. For instance, Vienna traditions on conciliatory relations,1961, and Vienna traditions on consular connection,1963, have replaced normal legislation

[1] https://archiv.ub.uniheidelberg.de/volltextserver/20915/1/Mirza%20PhD%20Dissertation%20for%20heiDOK.
[2] Dr.H.O. Agrawal, International and Human Rights 23(Central law Publications, Allahabad,20th Edition, Reprint 2015).

that identifies with strategic and consular ties. In a similar vein, many other conventional principles have also been transformed into bargain rules.

History Background

The harsh and absurd circumstances that the two South Asian countries emerged in 1947 may be traced back to the fundamental sources of the conflict between India and Pakistan. The Radcliffe [3]The Limit Grant, which caused Pakistan and India to divide the British Punjab after the subcontinent's separation, is directly linked to the Kashmir and Indus conflicts. India also gained control of the headworks of two streams that supply water to West Punjab and the mainland, connecting it to the august province of Kashmir via a road that crosses the Madhopur headworks.

Their relationship's point of conflict has remained Kashmir. Maharaja Hari Singh, the leader of Kashmir, suggested a "stop cession" to Pakistan and India in return for the country's ongoing freedom. The previous declined the offer, but the final accepted it. In Kashmir, Muslims rose out in revolt against the Maharaja, claiming they were asking for Pakistan to join their realm. India began a military campaign on October 26, 1947, saying the Maharaja had left a legacy that would enable the nation to progress alongside its forefathers. On April 1st, 1948, India started draining water from the canals that led into Pakistan.4 In May 1948, Pakistan also united its forces at the same time. A chunk of the Kashmir region was taken by both sides. In pursuit of its modest goals, India brought up the issue with the UN Security Council (UNSC), and both nations consented to its demands for an unsupervised truce and the conduct of a referendum under its supervision—a procedure that has not yet been carried out. From then on, the main factor contributing to the conflict, which is predicted to get worse, is the opposing ideologies: By keeping control of Jammu and Kashmir, a state with a majority Muslim population, India is trying to maintain its "mainstream standpoint" and disprove the very theory that gave rise to Pakistan in the first place, while Pakistan is fighting for the "freedom" of the region from Indian "burden" to make peace with it.

Realpolitik measurements of the Kashmir conflict first emerged when India refused to give Pakistan access to its waterways on April 1, 1948. These, however, were somewhat eclipsed by the expected approaches of ideational and personality-based political concerns on both sides, as well as by India's demand to be removed from the Kashmir conflict to facilitate mediation on the Indus River dispute.

The scarcity of water quickly attracted attention from across the world and became a problem for Pakistan's existence. When the negotiations first began, India took the position that the rivers starting in its own territory were essentially under its control. What followed was years of back-and-forth, tense meetings, and even outside involvement. After nearly twelve years of this, the Indus Waters Treaty was finally signed in 1960 with the World Bank acting as a sort of guarantor. People often describe it as a workable compromise, but at the time it wasn't welcomed everywhere. In both countries, there were protests, and even the leaders who signed it saw their pictures burned in the streets.

Under the treaty, the three western rivers—Jhelum, Chenab, and the Indus—were allocated to Pakistan, while India kept the three eastern rivers—Ravi, Beas, and Sutlej. Still, India was allowed a few specific uses on the western rivers, especially in the parts of Jammu and Kashmir it controlled. Even though the

[3] https://archiv.ub.uniheidelberg.de/volltextserver/20915/1/Mirza%20PhD%20Dissertation%20for%20heiDOK

[4] Dr. Riaz Ali Shah (Jinnah's personal doctor) states in his Diary (Publishing House, Bull Road publication 1950) that Quaid-i-Azam was quoted to have said: "Kashmir is the Jugular vein of Pakistan and no nation or country would tolerate its Jugular vein remains under the sword of the enemy".
http://www.klc.org.pk/klc/pumphlet/index.htm.

agreement guaranteed that Pakistan would receive the waters of the western rivers, the physical geography of the region has kept the issue complicated. Kashmir's landscape—high mountains, deep valleys, and its location in the lower Himalayas—means that whoever controls the uplands also controls the flow of the rivers, and this remains one of the underlying reasons the water question continues to fuel the wider Kashmir dispute.

Since the main supply of fresh water for the whole Indus canal system is melting snow and substantial summer precipitation in the valleys, its critical role has expanded. With such a severe drought, Pakistan's lower riparian region is truly dependent on the Indus stream system. If India were to ever relinquish authority over Jammu and Kashmir, be it Pakistan, a free state, or another entity completely, it would cease to be regarded as an upstream riparian and hence would lose significant influence over decisions and politics in the area. India may be able to retain political dominance over Pakistan by controlling the Indus canal system, but for Pakistan, unrestricted river flow is a question of "life and death."

2. Significance of the Study

Water being a way of transportation, the suggested study will focus on ties between India and Pakistan. For the survival of all people and other animals on the planet, it would be extremely beneficial to study the complications involved in the sharing of water between various nations. It is also essential to create a future cantered on the issues of water storage, conservation, and preservation for the sake of future existence. The water issue becomes national, regional, and global when the human development viewpoint is considered. It will be very beneficial to social science researchers in general and political science researchers in particular. Affairs makers will find the research intriguing because it focuses on both domestic and foreign affairs

3. Literature Reviews

Books

N.D. Gulati Indus Water Treaty: An Exercise in International Mediation[5]

They have provided a thorough explanation of the Indus water conflict and the more than ten-year discussions that led to its conclusion. The book covers a wide range of topics, including the history, geography, climate, and significance of the Indus Water Basin for both India and Pakistan. It also discusses the pre-treaty water disputes, the resolution of those disputes through third-party mediation, the satisfaction and dissatisfaction of the two countries involved, water laws, and regional politics surrounding water. The writer uses methodical reflection to emphasize the significance and evolution of the Indus Basin. Speaking on the partition and water issue between India and Pakistan, he asserts that the Sir Cyril Red Cliff border line has left the two recently formed states with several unresolved problems, one of which is over water. In addition, he offers thorough explanations of the Indus Basin discussions, including how Pakistani and Indian engineers collaborated with a World Bank facilitator to create an incredibly intricate plan for parallel energy production facilities. In his conclusion, N.D. Gulhati acknowledges the parties' ability to present the matter as a technical one. The 1960 Indus Water Treaty settlement is evaluated in this book. The Indus Water conflict between India and Pakistan is noteworthy for its magnitude, importance, and intricacy. It also suggests that the agreement

[5] N.D. Gulhati,Indus Water Treaty: An Exercise in International Mediation (Bombay: Allied Publishers, 1973)

was a comprehensive one that greatly benefited both parties. In his conclusion, according to N.D. Gulhati, the parties were able to portray the problem as a technical one, which made it possible for those who understand the cooperative management of the rivers to make progress where politicians couldn't.

The Indus Water Treaty Regime by R.K. Arora.

A complex tool is the Indus Water Treaty. Its fundamental strategy was to provide Pakistan and India with more access to water. It is the equally distributed appearance of the Indus water between them. According to the author, the conflict over the Indus rivers started even before Pakistan and India gained their independence. At the start, the problem was not between two countries at all. It came from disputes among Sind, Bahawalpur, Bikaner, and Punjab over how water was being used. Everything changed in 1947. After Partition, a new border was drawn, and it cut straight across the Indus Basin. From that point on, what had been a local issue turned into an international dispute, and it began to attract much wider attention.The author emphasizes that there is no collaborative basin-wide management of the Indus and that each state uses its water resources independently, despite the fact that the original treaty called for collaboration in the planning and development of the river. Concerning the author's claim, the conflict between the interests of Pakistan and Jammu & Kashmir now forms the basis of the problem. To improve its own irrigation, hydroelectricity, and employment prospects, Jammu & Kashmir needs to leave the Indus Water Treaty. Pakistan needs to build dams to reroute water flows to Sindh and Punjab. The author deceives the readers into thinking that Jammu and Kashmir were a signatory to the Treaty or that it is a distinct state at war with Pakistan. The impact of this treaty on Jammu and Kashmir has not been discussed by the author; instead, he has focused on other subjects, such as the Chenab formula and the potential consequences of signing it.

The author talks about an alternative approach to resolving the conflict over the Indus Water Treaty. If developed collaboratively by both countries, it might address the political facets of the Jammu and Kashmir dispute and incorporate an integrated development plan for the preservation of the Indus Basin. The author also highlights the vagueness and contradictions found in international law. He ultimately viewed the 1960 agreement as a major achievement. The book itself is carefully researched and clearly written, giving a detailed and current account of the dispute as well as the treaty system that continues to regulate the waters of the Indus River.

In the framework of water resources, human security, and water rationality, the author commended the institutional framework of the Indus Water Treaty for settling transboundary water disputes.

India in World Affairs (1954-56) by M.S. Rajan[6].

The events about the dispute over water sharing between Pakistan and India, as well as the usage of water resources and supplies for both countries, are covered under the headings Relations with Pakistan and The Canal Water Dispute. This chapter's author has elucidated the role played by the World Bank in mediating and facilitating the resolution of the water dispute between India and Pakistan.

[6] http://www.new.dli.ernet.in/handle/2015/117382

India in World Politics by Karunakar Gupta.

The majority of it has dealt with India's foreign policy. The author of this book talked about India's ties with the major nations, such as the US, UK, and Russia, as well as China, Pakistan, and Sri Lanka. The Indo-Pakistan relation was discussed by the author in the previous chapter. The Indus water conflict, the boundary dispute, and the Kashmir problem are the main points of contention between India and Pakistan. In the chapter, the author covered the canal water dispute under the header "The Canal Water Dispute. “By the end of 1959, the World Bank had helped organise financial backing from Western nations for the harnessing of the Indus River System to fulfil West Pakistan's irrigation demands, notwithstanding the unresolved Kashmir conflict. This put an end to yet another possible point of contention between Pakistan and India.

Aloys Arthur Michel - The Indus Rivers: A Study of the Effects of Partition; (Yale University Press: 1967)[7]

The roughly 350-page book by Michel provides a thorough yet conclusive analysis of the evolution of the Indus Basin. He starts with the development of irrigation systems in the Indus Basin and makes the case that agriculture had a big impact on how the country's economy came to be. The author's objective is to investigate the developments in India during the British Government. In the Indus Basin, the British built the biggest and most comprehensive network of canals in the world to boost the economy. They therefore created practical products from the Indus Valley. The author talks about the progress in agriculture on the Indus Plain, as well as the region’s technological strengths, industrial growth, and economic potential. During this period, the government worked closely with state agencies and provinces to develop the farming economy. This book offers a thorough overview of the history, challenges, and issues in the Indus Basin before the Indus Water Treaty.

The author also shares the painful story of the Partition and its impact on both countries. Beyond disrupting a well-established irrigation system, the division caused political and psychological rifts. While he clearly describes post-Partition developments, he doesn’t offer solutions for the future. According to him, the basin’s geography, location, and soil make it very hard to predict solutions, especially since it’s now split between four countries. The linked canal system was too complex to divide neatly between India and Pakistan.In examining the water issues in the Indus Basin amid the India-Pakistan dispute, the author shows wisdom and sensitivity. Michel’s detailed study of the political tensions, interregional water conflicts, and Pakistan’s difficult negotiating position stands out as particularly insightful. He is undoubtedly proud of his countrymen's valiant efforts, David Lilienthal's crucial intervention, Eugene Black's and the World Bank's crucial intervention, the US government's seemingly boundless generosity, and the remarkable achievements of her engineers and technicians who actively participated in the negotiations.

He also points out that the talks, which resulted in the signing of the Indo-Pacific Water Treaty, were conducted in some secrecy by reasonable parties with a shared purpose and focused on water rather than land or ego. The book does not offer a thorough examination, especially when

[7]Aloys Arthur Michel, The Indus Rivers: A Study of the Effects of Partition (London: Yale University Press, 1967), 49-50.

it comes to the post-Treaty changes and how they impact international water law, but it does bring enough knowledge to the topic.

Asit K. Biswas, - Indus Water Treaty: The Negotiation Process, Journal of Water International Vol. 17 (1992)[8]

It gives a brief history of the Indus water issue and the negotiations that led to the Indus water treaty between Pakistan and India. In the first section of his work, the author discusses the history of water wars between nations and shows how a lack of water is a contributing factor to these conflicts. Prior to delving into the Indus water conflict, he provides a historical synopsis of the water's significance, evolution, and requirements. He also delves into the history of water disputes that predate British India's split.

The author discusses how India was divided into the new states of Pakistan and India and how the conflict between the two new states started right after the division. He goes on to describe the entire water dispute scenario from 1947 to 1960, as well as the negotiations that led to the Indus Water Treaty. In the last segment of the document, he examined the World Bank's proactive involvement in the negotiating process.

According to the author, the World Bank played a crucial, unbiased, and helpful role in preserving international peace between the two nations. India and Pakistan could not have signed a treaty in a short amount of time without Eugene Black's tenacity and the World Bank's financial support and leadership. The author makes the case that the third party's mediation works well to settle the conflicts. The World Bank's participation in the two nations' water issue is discussed in the study. It does not, however, address the problems and difficulties that the treaty faces today.

Musharaf Zahoor, Indo-Pak Water Dispute: Implications for Regional Strategic Stability: Non-Traditional Security Threats Paperback, (2012)[9]

The population of South Asia, a water-stressed region, is primarily employed in agriculture. In 1960, India and Pakistan, who share the Indus River Basin, signed the Indus Water Treaty. The rivers were divided geographically by the treaty. These rivers' catchments are in Indian-controlled Kashmir. Because India had not developed the ability to control water supplies, the pact allowed conflicts and emergency circumstances to continue. India's construction of massive poundage facilities on Pakistani rivers has reignited the controversy. The territorial conflict over Jammu and Kashmir is closely related to the water dispute. The two nations' nuclear capabilities serve as a stabilizing element, but the ongoing arms race, short flight durations, lack of adequate NTRMs, and addition of tactical and sub-critical weapons to the nuclear arsenal are destabilizing elements of the current deterrent stability. The two nuclear neighbors' developing water problem has the potential to escalate into a military war, endangering the region's strategic stability.

[8] Asit K. Biswas, "Indus Water Treaty: The Negotiation Process." Journal of Water International, (1992): 202.

[9] Musharaf Zahoor, "Indo-Pak Water Dispute: Implications for Regional Strategic Stability: Non-Traditional Security Threats Paperback", (2012)

Rekha Datta, Beyond Realism: Human Security in India and Pakistan in the Twenty-First Century, (2010)[10]

Many academics, commentators, and decision-makers concur that while governments must address external challenges, establishing sustainable internal ecosystems must be a top policy priority since the world is changing. As the events of September 11, 2001 serve as a constant reminder, communities that are excluded can serve as fertile ground for discontent, disillusionment, and ultimately, terrorist organizations. South Asia had a key role in the bilateral competition between the US and the former USSR during the Cold War, as well as China's close observation. India and Pakistan remain a crucial area of study in the post-Cold War era because of their many bilateral conflicts, the nuclear tests in 1998, the rise of terrorism in South Asia after 9/11, and their complicated shared history. In a relevant study that begins with conventional methods and blends them with contemporary ideas within a framework for human security policy, this book advances a more comprehensive and in-depth comprehension of the policy agendas of key actors in a crucial part of the world. It starts with a realism analysis of India's and Pakistan's security policies that have surfaced in the context of geopolitical concerns. The two governments' policies in important areas, including public health, education, the economy, and protecting against gender-based violence, are also examined. Analyses like the one used in this book are prompted by concerns about human security and make the case that governments need to empower their people and shield them from grave dangers. India and Pakistan must carefully assess this complex security threat since they are home to a fifth of the world's people, many of whom live in poverty, where terrorism is still a problem, and where border conflicts are still an issue. Although this approach is pertinent to regional policy concerns, it also has wider ramifications for global powers like China and the United States, for whom South Asia continues to be a crucial strategic region.

S.S. Bindra, Indo-Bangladesh relations, (New Delhi: Deep and Deep Publications, 1982).[11]

The relationship between Bangladesh and India is explained in Indo-Bangladesh Relations. The author explained the different treaties that exist between the two nations.

The author notes that several attempts were made to forge friendships between Bangladesh and India. The author sheds insight on the Farakka Barrage controversy, which is a cause of hostility between Bangladesh and India. The paper explains the legal situation of this disagreement within the framework of the Farakka Barrage's historical background. Bangladesh and India released and signed the Farakka white paper and interim agreement on April 21, 1975.

Vandana Asthana, India's Foreign Policy and Sub-continental Politics, (New Delhi: Kanishka Publishers: 1999)[12]

Sub-Continental politics and India's foreign policy discuss India's interactions with its neighbours. There are fourteen chapters in this book. The author of this book focuses on the advantages and disadvantages of Indian neighbourhood policies as well as how they have changed customary issues. This book covers a wide range of topics, including river water disputes and water management. The author also discusses India's river water issues with

[10] Rekha Datta, "Beyond Realism: Human Security in India and Pakistan in the Twenty-First Century"(2010)
[11] S.S. Bindra, Indo-Bangladesh relations (New Delhi: Deep and Deep Publications, 1982).
[12] Vandana Asthana, India's Foreign Policy and Sub-continental Politics (New Delhi: Kanishka Publishers: 1999)

Pakistan, Bangladesh, and Nepal. This paper aims to offer a thorough analysis that addresses every facet of India's foreign policy.

Samir Kumar Das (Ed), South Asian Peace Studies, Vol 2: Peace Processes and Peace Accords, (New Delhi: Sage Publications, 2005)[13]

There are three sections in this book. The Mahakali Treaty between India and Nepal is the subject of the third portion of this book. This essay's goal is to provide context for the intricate series of events that culminated in the signing of the Mahakali Treaty and the impasses by outlining the events that preceded them. These historical summaries reveal a number of undercurrents that require both further in-depth, perceptive research and some redeeming statesmanship in India and Nepal.

Sudhir Jacob George (ed.), Intra and Inter-State Conflicts in South Asia, (New Delhi: South Asian Publishers, 2001)[14]

Conflicts arising from political, social, environmental, and security-related concerns are covered in great detail in this book. "Energy and Environmental Issues in South Asian Conflicts" is the title of chapter nine in this book. This chapter demonstrates how environmental contamination contaminated rivers and the silt problem in South Asian rivers. The book's tenth chapter, "Water Resources, Environment and Conflicts in South Asia," provides insight into the region's water resource management issues, which are mostly caused by the water's unequal geographic distribution. These topics can be roughly categorized as either public or professional issues, with the latter being focused on politics and the former on science. The conflict typology in South Asia is highlighted in this chapter. This chapter's third section discusses the India-Bangladesh Ganges water issue at the Farakka barrage. The Karnali Hydel Power Project and the Arun III Power Project in Nepal are covered in Section 4 of this chapter.

N.Jayapalan, India and her Neighbours, (New Delhi :Atlantic Publishers and Distributers, 2000)[15]

It explains the interactions between India and her neighbours. The book covers every facet of India and her neighbours. The first chapter provides a concise overview of India's and her neighbours' histories. A detailed description of the many facets of the surrounding nations and their interactions with India is given in the chapters on Pakistan, Bangladesh, Nepal, and Sri Lanka. The book discusses the battle over water distribution with Pakistan and the canal water dispute. The Farakka Barrage Interim Agreement is shown in this chapter.

Partha S. Ghosh, Cooperation and Conflict in South Asia, (New Delhi: Ramesh Jain, Manohar Publications, 1989)[16]

The author emphasizes the numerous conflicts among South Asian nations in this book. The author talks about the several commissions and agreements that South Asian nations have made

[13] Samir Kumar Das (Ed), South Asian Peace Studies, Vol 2: Peace Processes and Peace Accords (New Delhi: Sage Publications, 2005)
[14] Sudhir Jacob George (ed.), Intra and Inter-State Conflicts in South Asia (New Delhi: South Asian Publishers, 2001)
[15] N.Jayapalan, India and her Neighbours (New Delhi :Atlantic Publishers and Distributers, 2000)
[16] Partha S. Ghosh, Cooperation and Conflict in South Asia (New Delhi: Ramesh Jain, Manohar Publications, 1989)

to resolve their water problems in this book. The author places special emphasis on the Joint River Commission between Bangladesh and India.

Kuldeep Singh, India and Bangladesh, (Delhi: Anmol Publishers 1987)[17]

It addresses the disputes and collaboration between Bangladesh and India. Farakka Barrage: A Factor in Indo-Bangladesh Relations till August 1975 is the title of the third chapter of this book. This chapter explains the causes of the Farakka Barrage controversy, the goals of the barrage's construction, and the attempts to settle the conflict before Bangladesh's formation. The book's fourth chapter is titled Farakka barrage dispute from August 1975 to 1980. This chapter focuses on Bangladesh's internationalization of the Farakka problem and its White Paper on the Ganga rivers conflict.

This book's fifth chapter discusses the evolution of the Farakka Barrage dispute from 1980 and details the Ganga Water Accord of 1982.

Khurshida Begum, Tension over the Farakka Barrage: A Techno-Political in South Asia, (Calcutta: K.P. Bagchi & Co., 1988)[18]

In order to comprehend the precise nature of the issue, which spans several areas of human interest, this book addresses the competing interests of the two nations. The first section of this book covers the whole spectrum of the Ganga problem's evolution, which is around 300 years. It describes the start of the colonial era in the subcontinent, the reasons behind their exploitation, and how the subcontinent was divided into the independent republics of India and Pakistan. It analyses all of the knowledge and technology of the Farakka Barrage Scheme of India, spanning a broad historical period from the start of the British Period until 1978. This book's second section is broken up into five chapters. This section's first chapter examines India's choice to move on with the Farakka Barrage project, which may have been the direct cause of the conflict. The tale of how the issue has been resolved by certain agreements between the two governments is told in the next two chapters. This chapter describes Bangladesh's early experiences with the negative consequences of the Ganga's diversion. The Farakka problem in the United Nations international forum and the subsequent follow-up of an agreement with a loophole are depicted in the next two chapters. The issue as it existed at the time is covered in the final chapter of this section. It addresses the problem of augmentation. The Farakka Barrage problem's multifaceted character and the roles played by both governments in the Ganga water sharing issue are well depicted in the second section. There is only one chapter in the book's third section. The author reviews and assesses the entire development and current state of affairs about the Ganga dispute in this chapter.

Salman M.A. Salman and Kishor Uprety, Conflict and Cooperation on South Asia's International Rivers: A Legal Perspective , (Washington, D.C: The World Bank, 2002)[19]

The book presents the viewpoint that shared rivers have evolved into both a source of conflict and a source of opportunity for collaboration. The authors point out that it is traversed by about

[17] Kuldeep Singh, India and Bangladesh (Delhi: Anmol Publishers 1987)
[18] Khurshida Begum, Tension over the Farakka Barrage: A Techno-Political in South Asia (Calcutta: K.P. Bagchi & Co., 1988)
[19] Salman M.A. Salman and Kishor Uprety, Conflict and Cooperation on South Asia's International Rivers: A Legal Perspective (Washington, D.C: The World Bank, 2002)

twenty major rivers and that the three main basins—the Indus, Ganges, and Brahmaputra—have an impact on nations outside of the subcontinent, including Bangladesh, Bhutan, India, Nepal, and Pakistan. Finding fair and long-lasting water sharing agreements in other nations is made more difficult by notable seasonal fluctuations, such as monsoons, draughts, and floods that occur inside their borders.

The writers concentrate on the hydro politics of Bangladesh, India, Nepal, and Pakistan, four nations in the South Asian subcontinent. Additionally, it talks about the issues these nations have faced as international river riparian and how they have resolved them. This research specifically examines the treaty management that governs the Gangs, Kosi, Mahakali, and Indus River basins. Every one of these treaties is discussed in detail, with particular focus on the treaties' primary issues. The author has attempted to address the Ganges water conflict and provide India and Nepal with an integrated strategy to water resource management. The authors examine treaty experience with regard to the Kosi, Gandak, and Mahakali rivers and provide insights on third-party interference, bilateralism and multilateralism, water rights and benefits, institutional structures, and conflict resolution. They emphasize the value of collaboration throughout the treaty-making process in their conclusion. This book's introductory chapter discusses the political climate on the South Asian subcontinent. This chapter begins with a history of international water law and a summary of its main ideas and tenets today.

The writers concentrate on the hydropolitics of Bangladesh, India, Nepal, and Pakistan, four nations on the South Asian peninsula. They examine the issues these nations have faced and how they have resolved them as international river riparians. The chapter specifically examines the treaty regimes that control the Ganges, Kosi, Gandaki, and Mahakali river basins, as well as the Indus River basin. A detailed description of each of these regimes is provided. However, particular focus is placed on the primary issues that each treaty aimed to resolve. This book's second section discusses ties between India and Pakistan. The Indus Water Treaty and the Indus River system are covered in this chapter. The third section discusses the relationship between India and Nepal. The Kosi, Gandaki, and Mahakali rivers are discussed by the authors in this section of the book. The relationship between India and Bangladesh is covered in Part 4 of this book, with particular attention paid to the Ganges River and the Ganges Treaty regime. The author reviews treaty experience in the fifth and final section, making observations about third-party involvement, water rights and benefits, institutional arrangements, bilateralism and multilateralism, and dispute settlement.

Santosh Singh, India-Bangladesh Relations, World Focus, (Vol. XXXII, No. 11-12, 2011).[20]

He outlines the points of disagreement and water-share conflicts between Bangladesh and India in this essay. Given that Bangladesh and India share fifty-four rivers, a water conflict is inevitable. The treaty of friendship, collaboration, and peace that Bangladesh and India signed on March 19, 1972, is where the first such conflict began. A Joint River Commission was formed by the two nations in accordance with the terms of this treaty to promote sharing of water resources and shared interests.

Seema Sridhar, Kashmir and Water: Conflict and Cooperation, Swords 16, no. 1,[21]

[20] Santosh Singh, "India-Bangladesh Relations," World Focus, (Vol. XXXII, No. 11-12, 2011).
[21] Seema Sridhar, "Kashmir and Water: Conflict and Cooperation," Swords and Ploughshares 16, no. 1 (Winter, 2007-08): 26-29.

The article Kashmir and Water: Conflict and Cooperation is special in that it briefly outlines the issues in Kashmir brought about by IWT, namely that the state is unable to benefit from its water resources since control of the Western Rivers that flow through it has been ceded to Pakistan. The state's hydropower industry has been the direct cause of this agreement. Even though the state's hydropower potential is believed to be around 20,000 MW, only a tiny percentage of it has been used thus far. Therefore, in order to satisfy its domestic demands, the state must spend a lot of money on power purchases. According to the author, resolving the current power dynamics is essential to progress and, consequently, a remedy for the state's growing unemployment rate. The article also discusses several controversial hydroelectric initiatives between Pakistan and India. The author suggests in her conclusion that the treaty's future cooperation and joint mechanism parts offer plenty of room for revisions to address the competing claims. The piece, however, is devoid of precise data about power outages and the ensuing imports from outside the state. There has been no discussion of the electric power sharing from the centrally managed power-producing units. There has been little discussion of how the IWT has affected the state's industrial and agricultural industries.

4. Objective

1. To examine the legal architecture of the IWT in the context of modern transboundary water governance.
2. To assess the operational effectiveness and limitations of the Permanent Indus Commission in resolving water disputes.
3. To identify the challenges, such as climate change, hydropower development, and political tensions, that necessitate legal reform in the IWT.
4. To explore relevant international legal frameworks governing water disputes, including the UN Watercourses Convention, 1997, Helsinki Rules, 1966, etc.
5. To propose legally sound and diplomatically viable reforms for enhancing cooperation, equity, and sustainability in the management of the Indus basin waters.

5. Hypothesis

1. The IWT, with its 20:80 water–sharing ratio, has fostered cooperation between India and Pakistan, but requires re-evaluation to assess its continued effectiveness and changing conditions.

6. Research Questions

1. How much of an impact do water conflicts have on the Indus Water Treaty?
2. What are the various international statutes related to water disputes?
3. Would implementing global regulations within the Indus Water Treaty help resolve water disputes?

4. To expand broad and all-encompassing frameworks for India and Pakistani peace, unity, and cooperation.[22]
5. To foster the growth of resilient economic, cultural, trade, scientific, and technological ties between India and Pakistan.

7. Research Methodology

1. Historical, comparative, and analytical research methodologies are applied in the present study. For the treaties between India and Pakistan, the comparative technique will be helpful. A case study approach is also employed. To better comprehend water disputes, both primary and secondary are used. The usage of official papers, treaties, and international agreements. On the topic at hand, articles and books are employed.

2. In order to wrap off the investigation, this paper looks at a variety of issues about India and Pakistan sharing water.10 Data from Pakistan's bordering states, including Punjab, Rajasthan, Himachal Pradesh, and Jammu and Kashmir, are used, and consideration is given to revenue, irrigation, and other public-related issues.
    a. Gathering and assembling data from secondary sources
    b. Data interpretation.
    c. Data analysis.
    d. Disseminating correct interpretations and study findings.

8. Limitations of the Research Work

1. There are approximately 214 international rivers in the globe, 110 of which have extremely significant drainage basins, according to the United Nations Committee for International Natural Resources and Rivers.

2. Around the world, there are several water disputes. Riparian nations in the Middle East threaten war and engage in water wars.

9. Scheme of the Chapters

Chapter One: Introduction

- This chapter highlights the relevance of the study issue in the current legal and socio-political setting while discussing its importance and applicability. It offers an overview of important academic publications on the topic to give a theoretical and empirical basis for research. The research problem is thoroughly addressed, emphasizing the main problems and queries that come up as well as the analytical techniques or solutions that have been tried to answer them. This chapter also provides a precise definition of the research's boundaries and constraints, outlining its scope. To provide a cogent summary of the research process, the thesis's aims, theoretical framework, and structural organization are also provided. To guarantee a thorough

[22] Kashif Raza, Dr. Mubeen Adnan, Legal and Political Dimensions of Kishanganga Hydroelectric Project Issue, Vol.4, No.1, Jan-Mar 2023, (Journal of Development and Social Sciences), p.418-429.

and impartial examination of the subject, a variety of qualitative, comparative, and doctrinal research approaches have been used.

Chapter Two: A Legal Appraisal of India's Transboundary River Agreements – Indus and Ganges Water-Sharing Framework

- The importance, relevance, and organization of the current research project are highlighted in this chapter. It describes the legal and historical context of India's transboundary river water accords, primarily concentrating on the Ganges Water-Sharing Treaty (1996) and the Indus Waters Treaty (1960). The paper assesses important institutional structures, legal frameworks, and conflict resolution procedures that have influenced India's water relations with its neighbors, especially Bangladesh, Nepal, and Pakistan.
- In this chapter, I have looked at a handful of important academic works that help form the basic background of the study. The idea was not to cover everything, but to understand what has already been discussed and where the gaps still lie. The chapter also explains the main issues that make up the research problem and offers my first thoughts on the legal questions that appear throughout the later chapters.
- I have also described what the study aims to do, the assumptions behind it, and the methods I found suitable—mainly analytical, comparative and doctrinal approaches, supported by relevant case studies and treaty material. To keep the research on track, the chapter clearly sets out the scope of the study and the limits within which the discussion will take place.
- Along the way, the chapter draws attention to broader concerns such as fair water sharing, cooperation between States, and the growing impact of climate change on shared rivers. By putting all these pieces together, the chapter creates a simple and steady framework that links the theory, the purpose of the study, and the structure of the work as a whole. This framework becomes the starting point for a detailed legal examination of India's transboundary river water disputes.

Chapter Three: Legal Framework Governing Transboundary Water Allocation and Economic Implications under the Indus Waters Treaty: Focus on Jammu & Kashmir

- This chapter is meant to give a basic understanding of how countries in South Asia deal with the rivers they share. The Indus Waters Treaty keeps coming up because it has had such a deep and lasting effect on Jammu and Kashmir. These agreements were not shaped by law alone. They were influenced by politics, past events, and the practical problems countries were facing at different points in time. When the Indus, Ganges, and Brahmaputra River systems are looked at together, it becomes clear that India's way of dealing with Pakistan, Bangladesh, and Nepal has not stayed the same and has changed with circumstances.
- Certain agreements appear repeatedly, especially the Indus Waters Treaty of 1960, the Farakka arrangements of 1977, and the Ganges Treaty of 1996. India's discussions with Nepal on water and hydropower are still continuing, which shows that these matters are far from settled. What stands out is that these arrangements were often the result of uneven bargaining power and practical compromises rather than neat legal reasoning.
- In Jammu and Kashmir, the treaty has limited how much the region can use its hydropower resources. Disputes over projects like Wullar/Tulbul, Baglihar, Kishenganga, and Nimo Bazgo highlight the tension between local development needs and India's international commitments. At the same time, wider problems such as climate change, population growth, and environmental stress have made river management even more difficult.

- Looking briefly at other river agreements, such as those relating to the Nile, the Rio Grande, and the Columbia, suggests that South Asia may need more flexible and cooperative ways of managing shared rivers. The Indus Waters Treaty still matters, but present conditions call for open discussion and sensible adjustments rather than rigid adherence to old arrangements.

Chapter Four: Judicial Approaches and Case Law Analysis on Transboundary River Water Disputes

- In this chapter, I have tried to understand how courts and arbitration bodies have actually dealt with river disputes in South Asia. Instead of treating judgments as technical legal texts, I looked at them as real disputes where countries were trying to protect their interests while still respecting the limits set by treaties. Some decisions came from international forums such as the Permanent Court of Arbitration, while others were delivered by domestic courts. Each case approached ideas like fair use, avoidance of harm, and advance notice in its own way.
- While discussing these decisions, I placed them alongside treaties such as the Indus Waters Treaty and the Ganges water-sharing arrangements. Seeing the cases in this broader setting makes it easier to understand why the law around shared rivers keeps changing. It has not developed all at once but has evolved slowly, shaped by legal arguments, political conditions, and practical concerns. What becomes clear in the end is that even small court decisions have played an important role in guiding how countries balance their rights with the need to cooperate over shared rivers.

Chapter Five: Conclusion and Suggestions

- In this chapter, I wanted to bring together everything that shapes how South Asian countries share their rivers. When you look at India's water deals with Pakistan, Bangladesh, and Nepal side by side, it's clear these issues didn't just pop up overnight. They grew out of years of political distrust, uneven power in talks, and now climate change has made managing things even tougher.
- While going through the material, I also took another look at some important international cases like Kishenganga, Pulp Mills, and Gabčíkovo–Nagymaros. These don't give South Asia direct answers but show how the world's thinking about water disputes has changed. They touch on things this region struggles with too: working together, fairness, and stopping harm before it starts.
- Toward the end, I focused on what could really help. Some things are simple — like sharing river data more openly or building up the institutions that manage water daily. Other changes are bigger — like updating old treaty rules or moving beyond one-on-one deals toward broader regional cooperation.
- In short, the message is clear: without steady, cooperative, and legally sound ways to manage shared rivers, South Asia will keep facing the same fights. And for a region so tied to its rivers, that's a cycle no one can afford.

10. References

1. N.D. Gulhati,Indus Water Treaty: An Exercise in International Mediation (Bombay: Allied Publishers, 1973)

2. Aloys Arthur Michel, The Indus Rivers: A Study of the Effects of Partition (London: Yale University Press, 1967), 49-50.
3. Asit K. Biswas, "Indus Water Treaty: The Negotiation Process." Journal of Water International, (1992): 202.p://hdl.handle.net/
4. Trilochin Upreti, International Watercourses Law and Its Application in South Asia, (Kathmandu: Pairavi Prakashan Publishers, 2006), 180.
5. Musharaf Zahoor, "Indo-Pak Water Dispute: Implications for Regional Strategic Stability: Non-Traditional Security Threats Paperback", (2012)
6. Sudhir Jacob George (ed.), Intra and Inter-State Conflicts in South Asia (New Delhi: South Asian Publishers, 2001)
7. Seema Sridhar, "Kashmir and Water: Conflict and Cooperation," Swords and Ploughshares 16, no. 1 (Winter, 2007-08): 26-29.
8. Kashif Raza, Dr. Mubeen Adnan, Legal and Political Dimensions of Kishanganga Hydroelectric Project Issue, Vol.4, No.1, Jan-Mar 2023, (Journal of Development and Social Sciences), p.418-429.

Kratika 19/12/2025

Dr. Kratika Gupta
Assistant Professor
UWSL
(Guide)

19/12/25

Mohit Satish Kumar Raninga
E. No. 202203008
Ph.D.- July 2022
(Research Scholar)